THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.19662 of 2007

17.09.2007

Between

S.Ramasubba Reddy

…Petitioner

And

The Pulivendula Municipality rep.by its Commissioner, Pulivendula, Kadapa District.

…Respondent

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.19662 of 2007

ORDER:

This writ petition is filed aggrieved by the action of the respondent-Municipality in passing the impugned order directing the petitioner to remove the alleged encroachments into the road margins of the High Road i.e., Parnapalli Road and Gopi Vihar Stree road in Survey Nos.201 and 203 to the extent of 10.20 mts x 7.60 mts within a period of 15 days.

The dispute has checkered a history, since notices issued by the respondent had resulted in filing a number of writ petitions and ultimately as per the directions of this Court, the respondent passed the impugned order giving a finding that the petitioner has encroached into the road

margin. However, the case of the petitioner is that the petitioner's father purchased the property and constructed a building, where a lodge is being run by him. Since it is a civil dispute as to the title over the property, the appropriate remedy for the petitioner is to approach the civil Court where he can prove his title to the property.

In view of the disputed questions of fact which cannot be adjudicated in the writ petition, the writ petition is disposed of, at the admission stage, directing the petitioner to approach the civil Court within a period of six weeks from today, if so advised, to get redressal of his grievance and till then, the respondent is directed not to take any coercive steps. No costs.

17.09.2007

Note: Issue CC in three days.

(b/o)

VGB